

REMARKS / ARGUMENTS

Claims 10 through 19 and 21 through 27 are pending. Claims 10 through 19 have been allowed. Claims 21 through 27 track claims 1 through 6 and 20, which claims were canceled by the Examiner following a Decision on Appeal.

Applicants note that the Examiner proceeded correctly in allowing claims 10 through 19 and issuing a Notice of Allowance for same. Despite the Examiner's notation in the Reasons for Allowance, no opportunity for which to "respond to the Board of Appeals decision" is provided. [MPEP §1214.06]

Given that the Board affirmed only a nonstatutory double patenting rejection as to claims 1 through 6 and 20 (now presented as claims 21 through 27) over U.S. Patent No. 7,271,177, Applicants present this RCE to provide a terminal disclaimer obviating same (as well as to submit a Third Information Disclosure Statement).

In view of the Terminal Disclaimer filed herewith, the Examiner is respectfully requested to allow all pending claims.

Remarks regarding Examiner's Statement of Reasons for Allowance

The Examiner listed "Hanabusa, et al. (JP 10226615)" within a recitation of the 'closest art.' Applicants believe that this document (titled "Composition Containing Aspartic Acid-Phenylalanine Cyclic Dipeptide Derivative") was inadvertently included, as it is not believed that the document (not previously of record) pertains in any way to the claims of the application. In the event its inclusion was intended, Applicants request that the Examiner indicate the rationale for same.

In view of these remarks, Applicants respectfully request favorable consideration of the claims.

US Patent Application No. 10/663,506
Response and Amendment following Notice of Allowance

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON & HOWSON ^{LLP}
Attorneys for Applicants

By


Cathy A. Kodroff

Registration No. 33,980

501 Office Center Drive

Suite 210

Fort Washington, PA 19034

Phone: (215) 540-9200

Fax: (215) 540-5818